

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION December 8, 2004 Sacramento, California

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Mark Bosetti
Susan Britting
David Nawi
Tharon O'Dell
Gary Rynearson
Nancy Drinkard

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Foresters Licensing
Mark Hite, Committee Staff
Laura Estrada, Office Technician

DEPARTMENTAL STAFF:

Dennis Hall, Deputy Chief, THP Administration, Forestry and Fire Protection
Duane Shintaku, Assistant Deputy Director, Forest Practice, Forestry and Fire Protection

CALL TO ORDER

Chairman Dixon called the December 2004 meeting to order.

REPORT OF EXECUTIVE SESSION

Executive Session was not held this month.

APPROVAL OF MINUTES

Chairman Dixon announced that the approval of the November 2004 minutes will occur at the January 2005 Board meeting.

CONSENT CALENDAR

Chairman Dixon said that there was one item: a Resolution from the Board honoring Humboldt State University in celebration of their Forestry Program's 50th Year.

Mr. Ryneanson announced that the final Board meeting for 2004 represented the 50TH Anniversary of the Forestry Program at Humboldt State. The Department of Forestry recommended that the Board present Humboldt State with a resolution honoring them on their 50TH Anniversary.

04-12-4 Mr. Ryneanson, moved to adopt the Resolution honoring Humboldt State University's Forestry program, Ms. Britting, seconded the motion. All Board members were in favor and the motion was carried unanimously.

REPORT OF THE CHAIRMAN

Chairman Dixon announced that a meeting has been scheduled for December 20, 2004 with Senator La Malfa and the Executive Officer of the Board to discuss the twenty projects currently utilizing the Board's Emergency Rule for Fuel Hazard Reduction; and to discuss with him anything that the Board may consider in the way of a permanent Rule. In addition, a letter was sent to Senator Kuehl, and the Executive Officer has had discussions with her secretary as to when a meeting will take place. The Chairman would like a meeting scheduled before January 5, 2005.

Chairman Dixon announced that the Board is waiting for the new Chairman of the Natural Resources Committee to be appointed, so that the Board can introduce themselves and discuss Assemblyman La Malfa's legislation. The Board would like to establish a good line of communication so that some of the issues that arose during the adoption of the last legislation won't happen again.

REPORT OF THE ADVISORY COMMITTEES

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Eric Huff, Executive Officer, Forester's Licensing, reported that PFEC will be meeting on December 9, 2004, with open session beginning at 9 a.m. and a closed session in the afternoon.

FOREST PRACTICE COMMITTEE (FPC)

Dr. Sue Britting, Chair of the FPC, went over the areas of focus for 2005 that were discussed in the Forest Practice Committee prior to the full Board meeting. (Handouts were distributed).

The first priority issues discussed were as follows:

1. Stewardship NTMP
2. Recommendations for Heritage Tree Petition.
3. Fuel Reduction Rules
4. Seeps, Springs and Wet Areas
5. Stream Classification
6. Transition Silviculture Rule
7. Napa County Rules

Ms. Britting indicated that the following issues were also raised in Committee, but were not prioritized.

1. Cumulative impact process; Committee recommendations.
2. Monitoring; guidance from MOU, maximize uses of monitoring to address multiple permitting/agency requirements.
3. Reform sensitive watershed process.
4. FPA 1041 evaluate need to change size and timely wording.

5. Process to unify authorities among agencies and eliminate duplicative process.
6. PTEIR-difficulty with requirement to comply with new rules.
7. JDSF.
8. Review current standards on planting/stocking after regeneration harvest.
9. Review implementation of SYP adoption; review process and result.
10. GIS data exchange between CDF and other parties.

POLICY AND MANAGEMENT COMMITTEE (PMC)

Mr. Tharon O'Dell, Chair of the PMC, asked Board member Nawi to go over the Committee's goals for 2005. The following were the priorities discussed in the PMC Committee:

1. Oak Woodlands Policy
2. Completion on Draft Board Policy – timing based on second public hearing.
3. Review and Revision of Board Policies (new item) – discussed for Board to announce that this will be undertaken based on public input.
4. Review of Proposed Legislation regarding La Malfa Legislation.
5. Completion of Performance Based Rules discussion.
6. Cumulative Effects and Monitoring and Adaptive Management.

AD HOC ROADS AND WATERSHED COMMITTEE

Mr. Gary Rynearson, Chair of the *Ad Hoc* Committee, reported that the Ad Hoc Committee identified eight items that were tiered as follows:

First Tier

1. Road Management Plan (continued)
2. Road Rules Package
3. Road Definitions

Second Tier

1. CLFA Streamlining
2. Review Heavy Equipment Package (Watershed Plans)
3. Road Management Plans

Third Tier

1. Informational Items
2. Cumulative Watershed Effects

RESOURCE PROTECTION COMMITTEE MEETING (RPC)

Mr. Bosetti reported that the RPC Committee's goals for 2005 were the following:

1. Continue review of the Fire Plan (process of updating the plan)
2. SRA Classification Key
3. SB 1369 – Senate Rule (Fire Safe Clearance Rule)
4. Safety Element Review (Counties and Cities)

Mr. Bosetti also indicated that the Committee had a clean-up item for early next year, which was the conclusion of the DVBE Program Review. In addition, they had some items that were deferred in the review as fire protection policies for further discussion by the Committee. The committee will resume action on those items in 2005.

NEW AND UNFINISHED BUSINESS

Chairman Ryneerson indicated that there are two positions open on the PFEC. One of those positions is for a member of the Board of Forestry, which has been vacant since Mr. Bob Heald left the Board. The nominating Committee, which consists of Mr. Ryneerson and Mr. O'Dell, nominated Ms. Nancy Drinkard for that position. Mr. Ryneerson indicated that Ms. Drinkard is a past PFEC member and recommended to the Board that she fill that role as a Board of Forestry representative for the PFEC.

04-12-11 Mr. Ryneerson moved to appoint Ms. Drinkard to fill the role as a Board of Forestry representative for the PFEC. Ms. Bosetti, seconded the motion. All Board members were in favor and the motion was carried unanimously.

Chairman Dixon announced that Ms. Drinkard was appointed to serve upon the Board's Forest Practice Committee.

Public comment

Mr. Richard Gienger commented that the Board should focus on cumulative effects evaluation. In addition, he said that a change in policy is necessary to establish basic responsibility for monitoring of effectiveness in project implementation by project proponents. There needs to be some type of assurance to help everyone, including the public and plan submitters, show that their practices are not adversely affecting the resources such as Coho. He also said that the Board should not discourage landowners from growing old trees.

Mr. Neil Fischer, Environmental Affairs Consultant with the California Forestry Association (CFA), encouraged the Board to offer serious deliberation on the subject of regulatory reform in its policies.

Mr. Bill Key, representing California Licensed Foresters Association (CLFA), said that a letter was given to all Board members. He said that there needs to be a broad policy discussion about the future of California forestry and if there is an appropriate role for a timber industry in the State; and, if so, what it would look like in the future.

Mr. Barry Bolton asked if there could possibly be another public hearing in the Sacramento area on the Board's Policy Statement relative to the FRAP Assessment.

Chairman Dixon asked the Board members where they would like to go with the recommendations that were made by the Committees relative to tasks and goals for 2005. He also wanted to thank all Board members for working so diligently in the construction of their respective Committee tasks and goals lists.

Mr. O'Dell cautioned the Board on establishing an agenda for 2005 that is too ambitious to be realistically accomplished in a year's time. He encouraged the members to focus on a few high priority tasks rather than a multitude of lesser priority items and recommended that the Board start with the Emergency Fuel Hazard Reduction Rule. O'Dell concluded by stating that the cumulative effects issue is an item that the Board has spent considerable time on over the years and defies simple resolution.

Chairman Dixon said that the Board needs to set an agenda that is manageable and for the most part attainable.

Mr. Nawi asked when an additional public hearing date on the Board's Policy Statement relative to the FRAP Assessment might be set?

Mr. Gentry responded that a date would be set as soon as possible. At least one more hearing will likely be set for sometime in February or March. Mr. Gentry indicated that a realistic time frame for consideration of the public comment by the full Board is not likely to occur until the summer.

Mr. Nawi asked about three issues. Those issues of concern are Performance Based Rules, Monitoring and Cumulative Effects. He said that the Policy and Management Committee should work on the Performance Based Rules. Monitoring is a technical issue and Nawi was not sure how developed this was. He indicated it might go hand in hand with the Performance Based Rule and should be handled by the Policy and Management Committee or the Forest Practice Committee.

Ms. Britting indicated that the Department brought up those issues and identified that there were some recommendations in the Guidance Document included in the MOU on Monitoring. When that Guidance document comes out, the Board could look at it and possibly take action on some of the Department's recommendations.

Mr. Duane Shintaku, Assistant Deputy Director, Forest Practice, Forestry and Fire Protection, provided background on the Guidance Document, which was headed by John Munn. He did indicate that they are working on the final stages of this document.

Ms. Britting asked about the status of the Department's Cumulative Effects Committee. She asked if Mr. Shintaku could give some additional information.

Mr. Shintaku referred Mr. Dennis Hall.

Mr. Dennis Hall, Deputy Chief, Resource Management, Forestry and Fire Protection, indicated that the Department has been working on this with the Water Board and indicated that member Nawi participated several times during the course of discussions. They have currently wrapped up their discussions and the Water Board gave a brief presentation. The Department is in the process of getting a report to the Director. Once that has been formulated they will bring it back to the Board. There are a series of problems that the Department has identified in the process and some potential solutions. Some were regulatory and some were not.

Mr. Nawi asked if once this report is complete there would be a mechanism with which to bring the public into the process.

Mr. Dennis Hall suggested that it should go to the Policy and Management Committee because it had a very broad matrix at this point and that Committee could assist in deciding which ones need further research.

Chairman Dixon asked all Board members if they were in agreement with the Board's recommendations or if there were other issues that a Board member was questioning.

Chairman Dixon indicated that the Board should provide staff some direction toward putting a document together to present at the January meeting for adoption of the official tasks and goals for 2005.

Mr. O'Dell said that some of the items discussed in the Committees are Committee priorities, but not necessarily Board priorities.

Chairman Dixon agreed with member O'Dell regarding the Committee issues, but also indicated that there will be Board issues throughout the year as well.

Mr. Bosetti commented that it would be good to have the Committee Chairperson and staff come up with a list of priority items that each Chairperson and Committee felt were important aspects of this year's work program; and underneath each of those listings provide an additional listing of questions or concerns that were brought up as issues identified by the public.

Mr. Bosetti also agreed with member O'Dell in that there are many issues that the full Board needs to chart as guideposts relative to where they are headed. The Board might consider looking at the priority goals that were established last year relative to the setting of goals for the coming year.

Mr. O'Dell suggested that the Board remain in better communication with legislators, so as to avoid any future differences between parties relative to policy direction.

Mr. Gentry said he had a discussion with Director Geldert, and as everyone knows, Mark Hite had been working with the Director, but at this time has been assigned to work with the Board. One of Mark Hite's primary responsibilities with the Board will be to work closely with legislation, since Mark has twenty-one years past experience working with legislature. Mr. Hite will be assisting the Executive Officer in developing contacts and liaisons with the legislature and to also help track legislature more effectively.

Mr. Nawi wanted to thank Dennis Hall for the comment that was made regarding Mr. Nawi's participation on the Water Board discussions.

Mr. Gentry said that the Board does have a certain responsibility under the public resources code to maintain education and to provide for educational outreach. In the last couple of months Mr. Gentry has been looking at the technology to allow the Board to use a high speed scanning printer and to PDF the Boards documents so that they may be made available on the web at all times and including all past Board binders and research information. Additionally, the Board has been working closer with the Public Information Office so that the Board can know a little bit more about the function of that Department. The Department will be hiring a Deputy Director for Public Information, so there will be an additional person to work with that can assist the Board in getting information out in an effective manner.

Chairman Dixon asked all Board members to give considerable thought to the bigger issues so that they can spend a considerable amount of time in the upcoming January 2005 Board meeting. Additionally, Chairman Dixon asked Board members to go back and look at those goals that were done in 2004, because some of those goals that were discussed at the meeting were on last years list. Also, if the Committee Chairs would work with the Executive Officer after this meeting, to ensure that staff understands what goals are the highest priorities so that they end up on our list for next month.

Mr. Rynearson reminded the members that CLFA asked the Board go back and review the state of the industry goal recommendations made by CLFA. Member Rynearson said that it would be of interest to go back and identify how many of those goals are already being covered by our current list; look at any outstanding items that were requested, and review them at the upcoming meeting.

Ms. Britting asked member Rynearson about two of the Committee's priority two items. She asked for clarification on CLFA Streamlining and the T&I Rules.

Mr. Rynearson said that there were very specific recommendations based on a February 22, 2004 letter that had rule language proposed to try to rectify several issues. One of the issues was the application of the T&I Rules and watercourses classified due to domestic water. The other suggestion has to do with allowing some level of harvesting under exemptions and emergencies in watercourses after fires, etc. that is currently prohibited.

Ms. Britting asked Mr. Rynearson about goal number three on Watershed Management Plans.

Mr. Rynearson said it is the Watershed Assessment, which is the ongoing Watershed based regulatory approach.

Ms. Britting asked if the Board had specific rule language for that or if it was a concept?.

Mr. Rynearson said it was a concept and is an ongoing agenda item.

Chairman Dixon asked the Board members if the Committee chairs are comfortable with working with the staff on priorities. He asked the Board members to give considerable thought between now and the January 2005 meeting on the goals and tasks that the Board needs to work on for 2005.

Mr. Gentry said he has been reviewing statutory Board responsibilities for the last month and is currently trying to re-compile the list of Board responsibilities, so he can get the Board members an updated list of those responsibilities. Additionally, he mentioned that JDSF is a fairly large issue and the Board was looking at January in getting that document.

Mr. Russ Henley, Fire and Resource Assessment Program (FRAP), reported that the Department has been working on getting the complete document done by January 30, 2005. The Department has been working with the Board's Committee on getting their satisfaction of review. The Committee will be submitting to the Board the draft DEIR Report for their review and approval for release as a public draft.

Mr. O'Dell asked about the Board meeting schedule for 2005 and what field trips were scheduled. Additionally, he wanted to know if the fieldtrips coincided with the work the Board is trying to accomplish.

Mr. Gentry said that the field trip to the Chester Quincy area was twofold; the primary purpose was to see Collins Pine's management approach, and to see projects related to fuel hazard reduction. The Joint meeting that is scheduled with the Fish and Game Commission will be a fieldtrip to the Soper-Wheeler fuel hazard reduction project under the Board's Emergency Fuel Hazard Reduction Rule. Mr. Gentry felt it was important to see these treatments one year later. Another fieldtrip will be in the San Luis Obispo area in which Mr. Gentry is working with the Cal Poly Staff to see what kind of research they are doing in regards to Fire and Watershed Management. The Board has a fieldtrip to San Bernardino in the Lake Arrowhead area to revisit the mortality issue and what has intervened since the fire siege in terms of vegetation management. A trip to Lake Tahoe is planned to see management issues that they are currently facing. Mr. Gentry would like to see the Federal Ground and some of the Field Reduction Treatments.

PUBLIC FORUM

Mr. John Rogers of the Institute for Sustainable Forestry (ISF) said that reducing the cost burden of regulations may not be enough for forest land owners to stay competitive for the timber industry in California over the next ten to twenty years. The Board needs to consider how we can support the type of management they would like to see and maintain open spaces and working landscapes. Policies and strategies need to be developed beyond simply providing regulatory relief.

Mr. Greg Blomstrom, ISF, talked about the mission vision and value statement in the FRAP Policy Statement. The Board is looking for recommendations on how to define sustainability. He said ISF has ten principles of sustainability that they can provide the Board for their consideration. Additionally, ISF has an item that they feel is one of the two larger issues facing timberland owners in California today and that reducing regulatory burden approaches a certain side and does not recognize the income side. The Board should suggest further research or support some way to provide economic value to land owners in California for the non-timber products that they routinely produce, and not just think it includes high quality water, bio diversity, etc., He said that there much pressure to take land out of timber production and turn it into residential or other housing developments. Anything that the Board can support in any kind of value statements associated with trying to maintain land in timber production would be an advantage from an ISF standpoint.

Mr. Richard Gienger talked about the importance of public relations and understanding education, which is an aspect that the public needs to be aware of. Part of the responsibility that the Board has with water quality is the educational element. The public needs to understand what is bad and what is good for management. Mr. Gienger went over the handout that was given on Cumulative Impacts.

Mr. Paul Mason made a clarification of his remarks at the November meeting regarding Nancy Drinkard's appointment with the Board.

Ms. Drinkard asked for a clarification on what Board members want on major Board issues verses the work that the Board does writing a policy statement from the FRAP report. She wanted to know how the two relate and how they come together.

Mr. Tharon O'Dell said that the Chairman had asked the Board members to think about what they do outside the Committee assignments and what they do annually at a policy level where Board members exchange ideas; and then have a dialogue about goals and objectives that they would like the policy making body to accomplish.

ADJOURNMENT

Chairman Dixon adjourned the December 2004 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.